

Dear Chief State School Officer:

I know that you share the excitement that I feel about President Bush's January 8, 2002 signing of the *No Child Left Behind Act of 2001*. This historic piece of legislation, which was enacted with strong bipartisan support, will help ensure that all children receive a high-quality education and reach challenging academic achievement standards. The legislation provides increased flexibility and local control for States and school districts, emphasizes strong accountability for results, offers expanded options for parents of disadvantaged children, and supports teaching methods that have a solid scientific research foundation.

The purposes of this letter are the following:

- *To provide you with a brief summary of the principal flexibility opportunities that are now available to States, districts, and schools.* Included as Attachment A to this letter are summaries of the flexibility opportunities under "State-Flex," "Local-Flex," transferability, the Rural Education Initiatives, "Ed-Flex," the Secretary's general waiver authority, consolidated administrative funds authority, consolidated State and local plan authority, and schoolwide programs. More detailed information concerning these flexibility provisions will be provided to you soon.
- *To provide you with a copy of the statutory provisions relevant to each of the principal flexibility opportunities.* Included as Attachment B are excerpts from the new legislation relevant to the major flexibility initiatives.
- *To inform you of a significant date applicable to the State-Flex and Local-Flex programs.* The legislation offers States priority to seek State-Flex authority before districts may apply for Local-Flex. If the Secretary of Education grants State-Flex authority to a State, the State enters into performance agreements with four to ten school districts (at least half of which must be high-poverty districts), giving them the authority to consolidate certain Federal funds. In those States that do not have State-Flex authority, the Secretary may enter into Local-Flex agreements directly with up to eighty districts (with no more than three per State). Accordingly, if you notify the Secretary, by May 8, 2002, that your State intends to seek State-Flex authority, school districts in your State will be precluded from seeking Local-Flex agreements with the Secretary until a final determination is made concerning your State-Flex application.

The Secretary intends to coordinate the State-Flex and Local-Flex competitions to provide States and districts with maximum opportunities to compete for the new flexibility authority. Please be aware that the May 8, 2002 date is *not* the deadline for applying for State-Flex. Rather, it is the final date by which a State must notify the Secretary of its intent to seek State-Flex authority if it desires to preclude its districts from seeking Local-Flex agreements prior to a decision being made on the State-Flex application. *You may apply for State-Flex authority even if you do not notify us by May 8, 2002 that you intend to do so.*

- *To inform you of the March 1, 2002 deadline for submission of average daily attendance data under the Small, Rural School Grant Program.* As the summary guidance on the Rural Education Initiatives indicates, the Secretary will award grant funds, on a formula basis, to eligible local educational agencies under the Small, Rural School Grant Program. (The eligibility requirements are stated in the guidance.) In order that we can make timely grant awards to districts, the statute provides that the average daily attendance data (as described in section 6231) for these districts be submitted *no later than March 1, 2002.*
- *To inform you of the March 1, 2002 deadline for the submission of average daily attendance data under the Rural and Low-Income School Program.* As the summary guidance on the Rural Education Initiatives indicates, the Secretary will award grant funds, on a formula basis, to State educational agencies under the Rural and Low-Income School Program. States, in turn, will award subgrants to eligible local educational agencies either competitively or on a formula basis. (Districts eligible to receive funds under the Small, Rural School Grant Program are not eligible to receive funds under the Rural and Low-Income School Program.) The amount of funds that each State is eligible to receive is proportionate to the number of students in average daily attendance served by eligible local educational agencies in the State compared to the number of all such students served by eligible local educational agencies in all States. In order that we can make timely grant awards to States, the statute requires that the average daily attendance data (as described in section 6231) for eligible districts be submitted *no later than March 1, 2002.*

If your agency chooses not to participate in the Rural and Low-Income School Program, the Secretary will use your State's allotment to award grants to eligible districts in your State either competitively or on a formula basis. Thus, even if your agency chooses not to participate, we will need the relevant average daily attendance data no later than March 1, 2002 in order that we can determine the amount of each State's allotment.

- *To request that you submit to us information on State contacts for the flexibility programs.* In order to facilitate the implementation of the new flexibility provisions, we are requesting that you provide us, as soon as possible, with the

names, telephone numbers, and e-mail addresses of the State officials who will be responsible for these initiatives.

The information requested in this letter should be submitted to:

Mr. Charles Lovett
Group Leader
Office of School Support and
Technology Programs
U.S. Department of Education
400 Maryland Avenue, S.W.
Room 3E241
Washington, D.C. 20202

If you have any questions concerning the new flexibility provisions or the matters discussed in this letter, please contact Mr. Lovett by e-mail at charles.lovett@ed.gov or by telephone at (202) 401-0039.

We look forward to working in partnership with you in implementing the flexibility provisions and other programs in the new legislation.

Sincerely yours,

Susan B. Neuman, Ed.D.
Assistant Secretary for
Elementary and Secondary Education

Attachments